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1 3993 Howard Hughes Parkway, Suite 600  
 2 Las Vegas, NV 89169-5996  
 3 Facsimile (702) 949-8321  
 4 Telephone (702) 949-8320

5 Susan M. Freeman AZ State Bar No. 004199  
 6 Email: [sfreeman@lrlaw.com](mailto:sfreeman@lrlaw.com)  
 7 Rob Charles NV State Bar No. 006593  
 8 Email: [rcharles@lrlaw.com](mailto:rcharles@lrlaw.com)

9 Attorneys for USACM Liquidating Trust

10 STUTMAN, TREISTER & GLATT, P.C.  
 11 FRANK A. MEROLA  
 12 (CA State Bar No. 136934)  
 13 EVE H. KARASIK  
 14 (CA State Bar No. 155356)  
 15 CHRISTINE M. PAJAK  
 16 (CA State Bar No. 217713), Members of  
 17 1901 Avenue of the Stars, 12<sup>th</sup> Floor  
 18 Los Angeles, California 90067  
 19 Telephone: (310) 228-5600  
 20 Facsimile: (310) 228-5788  
 21 Email: [fmerola@stutman.com](mailto:fmerola@stutman.com)  
           [ekarasik@stutman.com](mailto:ekarasik@stutman.com)  
           [cpajak@stutman.com](mailto:cpajak@stutman.com)

22 Counsel for the Official Committee Of  
 23 Equity Security Holders Of USA Capital First Trust Deed Fund, LLC

24 SHEA & CARLYON, LTD.  
 25 JAMES PATRICK SHEA  
 26 (Nevada State Bar No. 000405)  
 27 CANDACE C. CARLYON  
 28 (Nevada State Bar No. 002666)  
 29 SHLOMO S. SHERMAN  
 30 (Nevada State Bar No. 009688)  
 31 701 Bridger, Suite 850  
 32 Las Vegas, Nevada 89101  
 33 Telephone: (702) 471-7432  
 34 Facsimile: (702) 471-7435  
 35 Email: [jshea@sheacarlyon.com](mailto:jshea@sheacarlyon.com)  
           [ccarlyon@sheacarlyon.com](mailto:ccarlyon@sheacarlyon.com)  
           [ssherman@sheacarlyon.com](mailto:ssherman@sheacarlyon.com)

## UNITED STATES BANKRUPTCY COURT

### DISTRICT OF NEVADA

15 In re:

16 USA COMMERCIAL MORTGAGE COMPANY,  
 17 USA CAPITAL REALTY ADVISORS, LLC,  
 18 USA CAPITAL DIVERSIFIED TRUST DEED FUND,  
 19 LLC,  
 20 USA CAPITAL FIRST TRUST DEED FUND, LLC,  
 21 USA SECURITIES, LLC,

22 Debtors.

23 Affects:

- All Debtors
- USA Commercial Mortgage Company
- USA Capital Realty Advisors, LLC
- USA Capital Diversified Trust Deed Fund, LLC
- USA Capital First Trust Deed Fund, LLC
- USA Securities, LLC

Case No. BK-S-06-10725-LBR  
 Case No. BK-S-06-10726-LBR  
 Case No. BK-S-06-10727-LBR  
 Case No. BK-S-06-10728-LBR  
 Case No. BK-S-06-10729-LBR

### CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**Stipulation for Withdrawal with  
 Prejudice of Proof of Claim Number  
 10725-00150 Filed by Coxey Living  
 Trust Dtd 12/3/98, Kenneth D. and  
 Valerie Coxey**

Hearing Date: September 28, 2007  
 Hearing Time: 1:30 a.m.



The USACM Liquidating Trust (the "USACM Trust"), together with the Official Committee of Equity Security Holders of USA Capital First Trust Deed Fund, LLC (the "FTDF Committee"), hereby stipulate with Coxey Living Trust Dtd 12/3/98, Kenneth D. and Valerie Coxey ("Claimant") as follows:

1. On or about August 14, 2006, Claimant filed Proof of Claim No. 10725-00150 against USA Commercial Mortgage Company in the amount of \$252,519.44 (the "Claim").

2. The basis for the Claim is shown on its face and in the attachment as an investment in USA Capital First Trust Deed Fund, LLC ("FTDF"), in the amount of \$100,000, as well as investments in several direct lender loans.

3. The FTDF Committee, upon reviewing FTDF's books and records, has determined that Claimant in fact holds an equity security interest in FTDF in the amount of \$100,000.00 as of the petition date.

4. On August 8, 2007, the USACM Liquidating Trust and the FTDF Committee jointly filed an "Partial Objection of USACM Trust To Coxey Living Trust Claim to the Extent Filed in Wrong Debtor's Case; Objection of FTDF to Classification as Claim and Motion to Reclassify as Equity Interest" (the "Objection") [Docket No. 4446], requesting that the Claim be partially disallowed to the extent it is based upon Claimant's equity interest in FTDF, due to: (1) that portion having been erroneously filed in the USA Commercial Mortgage Company case; and (2) that portion having been erroneously filed as a "claim," and not as an "equity interest" in FTDF.

5. Claimant has agreed to withdraw the Claim with prejudice.

6. This stipulation shall not affect any other claims filed by Claimant in these jointly-administered bankruptcy proceedings.



1           7. This stipulation shall not affect either the amount or validity of Claimant's  
2 equity interest in FTDF as reflected in FTDF's books and records.

3           WHEREFORE, based on the stipulation set forth above, the parties hereby agree,  
4 and request that the Court approve this stipulation as an order of the Court pursuant to Fed. R.  
5 Bankr. P. 3006, as follows:

6           1. The Claim is hereby withdrawn with prejudice.

7           2. Claimant's equity interest in FTDF is allowed in the amount of  
8 \$100,000.00, as reflected in FTDF's books and records.

9  
10          DATED this 24th of August, 2007.

11

12          By: /s/ Eve Karasik  
13          FRANK A. MEROLA  
14          EVE H. KARASIK  
15          CHRISTINE M. PAJAK, Members of  
16          **STUTMAN, TREISTER & GLATT, P.C.**  
17          1901 Avenue of the Stars, 12th Floor  
18          Los Angeles, CA 90067

19  
20          and

21          CANDACE C. CARLYON  
22          SHLOMO S. SHERMAN  
23          **SHEA & CARLYON, LTD.**  
24          701 Bridger, Suite 850  
25          Las Vegas, NV 89101  
26          Telephone: (702) 471-7432

27          *Counsel for the Official Committee of  
28          Equity Security Holders of  
29          USA Capital First Trust Deed Fund, LLC*

30          By: /s/ Rob Charles  
31          SUSAN M. FREEMAN  
32          ROB CHARLES  
33          **LEWIS AND ROCA LLP**  
34          3993 Howard Hughes Parkway, Suite 600  
35          Las Vegas, NV 89169-0961

36          *Counsel for USACM Liquidating Trust*

37  
38          Kenneth D. and Valerie Coxey  
39          The Coxey Living Trust  
40          1945 Hidden Meadows Dr.  
41          Reno, NV 89502

LEWIS  
AND  
ROCA  
— LLP —  
LAWYERS

1           7. This stipulation shall not affect either the amount or validity of Claimant's  
2 equity interest in FTDF as reflected in FTDF's books and records.

3           WHEREFORE, based on the stipulation set forth above, the parties hereby agree,  
4 and request that the Court approve this stipulation as an order of the Court pursuant to Fed. R.  
5 Bankr. P. 3006, as follows:

6           1.       The Claim is hereby withdrawn with prejudice.  
7           2.       Claimant's equity interest in FTDF is allowed in the amount of  
8       \$100,000.00, as reflected in FTDF's books and records.

9           DATED this \_\_\_\_ of August, 2007.

10           By: \_\_\_\_\_  
11           FRANK A. MEROLA  
12           EVE H. KARASIK  
13           CHRISTINE M. PAJAK, Members of  
14           STUTMAN, TREISTER & GLATT, P.C.  
15           1901 Avenue of the Stars, 12th Floor  
16           Los Angeles, CA 90067

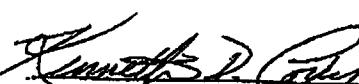
17           and

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21           701 Bridger, Suite 850  
22           Las Vegas, NV 89101  
23           Telephone: (702) 471-7432

24           *Counsel for the Official Committee of*  
25           *Equity Security Holders of*  
26           *USA Capital First Trust Deed Fund, LLC*

12           By: \_\_\_\_\_  
13           SUSAN M. FREEMAN  
14           ROB CHARLES  
15           LEWIS AND ROCA LLP  
16           3993 Howard Hughes Parkway, Suite 600  
17           Las Vegas, NV 89169-0961

18           *Counsel for USACM Liquidating Trust*

  
19           \_\_\_\_\_  
20           Kenneth D. and Valerie Coxey  
21           The Coxey Living Trust  
22           1945 Hidden Meadows Dr.  
23           Reno, NV 89502